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DATE MAILED: 06/16/2008

NOTICE OF ALLOWANCE AND FEE(S) DUE

23117 7590 06/16/2008 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203 EXAMINER
SWARTZ, JAMIE H
ART UNIT PAPER NUMBER
3604

 APPLICATION NO.
 FILING DATE
 FIRST NAMED INVENTOR
 ATTORNEY DOCKET NO.
 CONFIRMATION NO.

 10/613.319
 07/07/2003
 Myles C. S. Harrington
 3594-14
 4272

TITLE OF INVENTION: PROCESS AND APPARATUS FOR CONDUCTING AUCTIONS OVER ELECTRONIC NETWORKS

 APPLN. TYPE
 SMALL ENTITY
 ISSUE FEE DUE
 PUBLICATION FEE DUE
 PREV. PAID ISSUE FEE
 TOTAL FEE(s) DUE
 DATE DUE

 nonprovisional
 NO
 \$1440
 \$300
 \$0
 \$1740
 09/16/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and I/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

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appropriate. All further indicated unless correcte maintenance fee notifical	correspondence includir ed below or directed oth	or transmitting the 188 ig the Patent, advance of herwise in Block 1, by (orders and notification of r (a) specifying a new corres	naintenance fees wi pondence address;	ill be and/or	mailed to the current (b) indicating a sepa	correspondence address as trate "FEE ADDRESS" for
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							(Depositor's name)
			_				(Signature)
							(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	TOR		RNEY DOCKET NO.	CONFIRMATION NO.
10/613,319 TITLE OF INVENTION	07/07/2003 : PROCESS AND APP/	ARATUS FOR CONDUC	Myles C. S. Harrington CTING AUCTIONS OVER	ELECTRONIC NE	ETWO	3594-14 RKS	4272
APPLN, TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE	FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0		\$1740	09/16/2008
EXAM	INER	ART UNIT	CLASS-SUBCLASS]			
SWARTZ,	JAMIE H	3694	705-035000	•			
"Fee Address" ind. PTO/SB/47; Rev 03-0 Number is required. 3. ASSIGNEE NAME A	ondence address (or Cha 3/122) attached. ication (or "Fee Address 12 or more recent) attach ND RESIDENCE DATZ less an assignee is ident h in 37 CFR 3.II. Comp	nge of Correspondence "Indication form ed. Use of a Customer A TO BE PRINTED ON	2. For printing on the p (I) the name of up to or agents OR, alternati (2) the name of a singl registered attorney or a 2 registered patent atto listed, no name will be THE PATENT (print or typ data will appear on the p DT a substitute for filing an (B) RESIDENCE: (CITY	3 registered patent vely, e firm (having as a agent) and the name rneys or agents. If n printed.	members of use is ic	er a 2	ocument has been filed for
Please check the appropr	iate assignee category or	categories (will not be p	printed on the patent):	Individual 🖵 Cor	rporati	on or other private gro	oup entity Government
4a. The following fee(s): Issue Fee Publication Fee (N Advance Order - 4	o small entity discount p	Ib. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above) ☐ A check is enclosed. ☐ Payment by credit card. Form PTO-2038 is attached. ☐ The Director is hereby suthorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).					
	s SMALL ENTITY state	is. See 37 CFR 1.27.	☐ b. Applicant is no lon				
NOTE: The Issue Fee an interest as shown by the	d Publication Fee (if req records of the United Sta	uired) will not be accepte tes Patent and Trademar	ed from anyone other than t k Office.	he applicant; a regis	tered :	uttorney or agent; or th	ne assignee or other party in
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This collection of inform an application. Confident submitting the complete this form and/or suggesti Box 1450, Alexandria, V Alexandria, Virginia 223	ation is required by 37 C tiality is governed by 35 d application form to the ons for reducing this but firginia 22313-1450. DC 13-1450.	FR 1.311. The informati U.S.C. 122 and 37 CFR USPTO. Time will var rden, should be sent to the ONOT SEND FEES OR	ion is required to obtain or r 1.14. This collection is est y depending upon the indivi- he Chief Information Office COMPLETED FORMS TO	etain a benefit by th imated to take 12 m idual case. Any cor er, U.S. Patent and 1 D THIS ADDRESS.	ne publ ninutes nment Fraden SENI	ic which is to file (and to complete, includir s on the amount of tin ark Office, U.S. Dep O TO: Commissioner	by the USPTO to process) g gathering, preparing, and me you require to complete artment of Commerce, P.O. for Patents, P.O. Box 1450,

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NIXON & VAN	IDERHYE, PC	SWARTZ, JAMIE H			
	EBE ROAD, 11TH FLO	ART UNIT	PAPER NUMBER		
ARLINGTON, V	A 22203	3694			

DATE MAILED: 06/16/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 792 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 792 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.	Applicant(s)	
10/613,319	HARRINGTON ET	AL.
Examiner	Art Unit	
IAMIE H. SWARTZ	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to the applicant's arguments/remarks filed 1/31/2008.
- The allowed claim(s) is/are 189-203,205-212,214-217,220,221,224-233,243 and 245-247.
- 3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) \square All b) ☐ Some* c) ☐ None of the:
 - 1. T Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No.
 - 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) Including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.

DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1. Notice of References Cited (PTO-892)
- 2. Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3. Information Disclosure Statements (PTO/SB/08).
- Paper No./Mail Date 3/4/2008
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 5. Notice of Informal Patent Application
- Interview Summary (PTO-413), Paper No./Mail Date
- 7. ☐ Examiner's Amendment/Comment
- 8. X Examiner's Statement of Reasons for Allowance
- Other .

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DETAILED ACTION

1. Claims 189-198, 200-203, 205-212, 214-217, 220, 221, 224-233, 243 and 245-

247 are allowed are currently pending. Claims 199, 204, 213, 222-223, 234-242, and

244 have been cancelled. Claims 189, 246, and 247 are currently amended.

2. The Rule 131 Declaration has been entered and considered.

3. An Examiner's Amendment appears here below:

Claims 189, 246, and 247 are amended.

Claims 199, 204, 213, 222-223, 234-242, and 244 have been cancelled.

4. The Authorization for this amendment to the claims was given verbally by the

Applicant's Representative, Mr. Leonard Michard (29009) on May 2, 2008 and then

Examiner's Amendment

189. (Currently Amended) A computer-mediated method of conducting an auction of an

interest-bearing financial instrument over the Internet,

wherein bidders can be in different physical locations and can simultaneously

participate in the auction,

again on May 28, 2008.

said bidders having access to web browsers,

said bidders' web browsers communicating over the Internet with at least one computer

having auction software,

said method comprising:

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a) enforcing at least one standard bidders must satisfy to submit competing bids;

- b) enforcing at least one auction rule competing bids must satisfy;
- c) displaying the official auction time;
- d) receiving, over the Internet, bids from bidders using web browsers;
- e) enabling bidders to modify their bid inputs;
- f) permitting comparison of received bids; and
- g) providing information allowing for display of at least the best bid.
- 190. (Previously Amended) The method of claim 189 including conducting multiple auctions simultaneously.
- 191. (Previously Amended) The method of claim 189 including offering multiple instruments in the same auction.
- 192. (Previously Amended) The method of claim 189 wherein bidders may participate in a plurality of auctions simultaneously.
- 193. (Previously Amended) The method of claim 189 wherein bidders may bid more than one instrument in the same auction.
- 194. (Previously Amended) The method of claim 189 wherein bidders may bid more than one instrument in multiple auctions conducted simultaneously.

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195. (Previously Amended) The method of claim 189 wherein bidders may bid portions of a single instrument.

196. (Previously Amended) The method of claim 189 wherein bidders register before submitting bids.

197. (Previously Amended) The method of claim 189 wherein bidders log in with an identification and password.

198. (Previously Amended) The method of claim 189 including providing bidders online access to offering documents.

Claim 199. (Canceled)

200. (Previously Amended) The method of claim 189 including providing a display that informs bidders of the time remaining in a bidding period.

201. (Previously Amended) The method of claim 189 wherein a bid improvement is made by submitting a lower bid.

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202. (Previously Amended) The method of claim 189 wherein bid improvements are made in minimum increments.

203. (Previously Amended) The method of claim 189 wherein the lowest bid is the best bid.

Claim 204. (Canceled)

205. (Previously Amended) The method of claim 189 wherein bidders supply conditions to their bids.

206. (Previously Amended) The method of claim 189 wherein a bidder enters and modifies a bid without submitting it.

207. (Previously Amended) The method of claim 189 wherein a bidder confirms or acknowledges a bid after submission.

208. (Previously Amended) The method of claim 189 wherein a bidder may view at least the best bid during the bidding period and improve it.

209. (Previously Amended) The method of claim 189 wherein rank order of bids is displayed.

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210. (Previously Amended) The method of claim 189 wherein status of a bidder's bid relative to other bids is displayed during the bidding period.

211. (Previously Amended) The method of claim 189 further including providing a means for bidders to confirm their intention to submit bids before their bids are treated as submitted.

212. (Previously Amended) The method of claim 189 further including performing, on behalf of bidders, calculations using bid related inputs.

Claim 213. (Canceled)

214. (Previously Amended) The method of claim 189 wherein the bidding period may be extended after bidding begins.

215. (Previously Amended) The method of claim 189 wherein information related to at least one bid submission such as time of submission is saved in a data log.

216. (Previously Amended) The method of claim 189 further including displaying an observation page from which to observe submitted bids.

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217. (Previously Amended) The method of claim 189 further including releasing bidding

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results.

Claims 218-219. (Canceled)

220. (Previously Amended) The method of claim 189 wherein confirmation of winning

bids may be delivered electronically.

221. (Previously Amended) The method of claim 189 wherein confirmation of winning

bids may be delivered automatically.

Claims 222-223. (Canceled)

224. (Previously Amended) The method of claim 189 wherein said bidder inputs a price

for said instrument.

225. (Previously Amended) The method of claim 189 wherein said bidder inputs an

interest rate for said instrument.

226. (Previously Amended) The method of claim 189 wherein said bidder inputs a price

and interest rate combination for said instrument.

227. (Previously Amended) The method of claim 189 wherein said bidder inputs a $\,$

principal amount for said instrument.

228. (Previously Amended) The method of claim 189 wherein said bidder inputs a

maturity date for said instrument.

229. (Previously Amended) The method of claim 189 wherein software such as Java

applet code or plug-ins that implement certain auction related functions is delivered to

bidders computers.

230. (Previously Amended) The method of claim 189 wherein one or more menu- driven

web pages are employed to create and modify auction parameters.

231. (Previously Amended) The method of claim 189 wherein one or more menu- driven

web pages are employed to regulate access to certain web pages.

232. (Previously Amended) The method of claim 189 wherein one or more menu- driven

web pages are employed to authorize bidder participation.

233. (Previously Amended) The method of claim 189 wherein one or more menu- driven

web pages are employed to set bid limitations for one or more bidders.

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Claims 234 - 242. (Canceled)

243. (Previously Amended) The method of claim 189 further including communicating

signals relating to said auction over a network at least in part using Hypertext Transfer

Protocol

Claim 244. (Canceled)

245 (Previously Added). The method of claim 189 further including not allowing bidders

to change said auction rules once bidding commences.

246. (Currently Amended) In a computer system for conducting an auction of at least

one interest-bearing financial instrument over the Internet, said computer system being

structured to receive bids from bidders' web browsers over the Internet, wherein the

bidders can simultaneously participate in auctions from different physical locations, said

computer system executing auction software stored on a storage device, said storage

device storing:

first instructions that, when executed, receive bids over the Internet for at least one

interest-bearing financial instrument from bidders using web browsers;

second instructions that, when executed, enforce at least one standard for bidders to

satisfy before they can submit competing bids;

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third instructions that, when executed, enforce at least one auction rule for competing bids to satisfy:

fourth instructions that, when executed, display the official auction time;

fifth instructions that, when executed, enable bidders to modify their bids;

sixth instructions that, when executed, permit comparison of received bids to facilitate

determination of winning bids; and

seventh instructions that, when executed, provide information for displaying winning

bids.

247. (Currently Amended) A computer system for mediating an auction of at least one interest- bearing financial instrument, said computer system being structured to receive bids from bidders using web browsers, wherein the bidders can be in different physical locations and can simultaneously participate in the auction, said computer system comprising:

means for enforcing at least one standard bidders must satisfy to submit competing bids:

means for enforcing at least one auction rule competing bids must satisfy;

means for displaying the official auction time;

means for receiving, over the Internet, bids from bidders using web browsers;

means for enabling bidders to modify their bid inputs;

means for permitting comparison of received bids; and

means for providing information allowing for display of at least the best bid.

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Allowable Subject Matter

 Claims 189-198, 200-203, 205-212, 214-217, 220, 221, 224-233, 243 and 245-247 are allowed.

- 6. The following is an examiner's statement of reasons for allowance: The closest prior art is Ausubel (US5905975). Ausubel teaches a computer-mediated method of conducting an auction of an interest-bearing financial instrument over the internet. However, the prior art date for Ausubel is January 2, 1997. Applicants have filed a rule 131 declaration stating that the subject matter disclosed and claimed in their patent before January 2, 1997.
- 7. The next closest prior art is Fisher et al. (US 6,243, 691), Liederman (1996), and Zandi (US 5,966,699). Though Fisher teaches a multi-person multi-location Internet auction. Liederman teaches using action software over the World Wide Web. Zandi teaches conducting an electronic loan application auction over a computer network. However, Fisher, Liederman and Zandi or any combination thereof fail to teach:
 - · Displaying the official auction time including time remaining.
 - Auction of interest-bearing financial instrument.
 - · Requiring auction software on each computer.
 - Wherein a bid improvement is made by submitting a lower bid where the lowest bid is the best bid.

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· Modification of bids without submitting them.

· Displaying the rank over of bids.

Bidder inputs an interest rate and price combination.

Bidder inputs a maturity date.

8. Applicants have overcome previously made 35 USC 112 1st paragraph

rejections by pointing out where those portions were fully supported by the specification.

9. It appears that the instant invention is beyond the skill of one of ordinary skill in

the art. Accordingly the invention would NOT have been obvious because one of

ordinary skill could not have been expected to achieve it, NOR would they have been

able to predict the results, and as such, they would have had no capability of expecting

success.

10. Any comments considered necessary by applicant must be submitted no later

than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMIE H. SWARTZ whose telephone number is

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(571)272-7363. The examiner can normally be reached on 8:00am-4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. H. S./ Examiner, Art Unit 3694

/James P Trammell/ Supervisory Patent Examiner, Art Unit 3694